

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

JEREL T. JACKSON.

Appellant

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DOCKET NUMBER WD73323

DATE: June 5, 2012

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Appeal From:

Circuit Court of Jackson County, MO  
The Honorable Brian Curtis Wimes, Judge

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Appellate Judges:

Division One  
Joseph M. Ellis, P.J., James Edward Welsh, and Alok Ahuja, JJ.

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Attorneys:

Rosemary Percival, Kansas City, MO

Counsel for Appellant

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Attorneys:

Richard Starnes, Jefferson City, MO

Counsel for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI, Respondent, v. JEREL T. JACKSON, Appellant**

**WD73323**

**Jackson County**

Before Division One Judges: Ellis, P.J., Welsh, and Ahuja, JJ.

Jerel T. Jackson appeals the circuit court's judgment convicting him of two counts of murder in the second degree, three counts of armed criminal action, and one count of first-degree assault after a trial by jury. Jackson asserts that the court erred when: (1) it overruled his *Batson* challenge to the State's peremptory strike of Venireperson Takeshia Ford from the pool of alternate jurors, asserting that the State's explanation for the strike was pretextual; (2) it overruled his motion for acquittal, contending that the evidence was insufficient to prove Jackson's guilt as to first degree assault and armed criminal action against nine-year-old victim Myron Ford; (3) it overruled his motion for mistrial, claiming that the State made improper and prejudicial closing arguments; and (4) it refused his right to jury sentencing because the State's amended information failed to include Jackson's prior offender status.

**AFFIRMED IN PART AND REVERSED AND REMANDED IN PART**

**Division One holds:**

(1) The circuit court did not err in overruling Jackson's *Batson* challenge to the State's peremptory strike of Venireperson Takeshia Ford from the pool of alternate jurors. The State's justification appears clear, reasonably specific, legitimate, race-neutral, and, applicable to the facts of Jackson's case.

(2) The circuit court did not err in overruling Jackson's motion for acquittal as to first degree assault and armed criminal action against nine-year-old victim Myron Ford. The evidence is sufficient for a reasonable juror to have concluded, beyond a reasonable doubt, that before or during Williams's armed criminal action and first-degree assault of Myron, Jackson aided, agreed to aid, or attempted to aid Williams in planning, committing, or attempting to commit those offenses.

(3) The circuit court did not err in overruling Jackson's motion for mistrial for alleged improper and prejudicial closing arguments by the State. The State's closing arguments properly commented on a witness's credibility and were a justifiable response to provocation by Jackson in Jackson's closing arguments.

(4) The circuit court erred in sentencing Jackson as a prior and persistent offender as that finding by the court was superseded by the State's subsequent filing of an information that failed to allege Jackson as a prior and persistent offender. Therefore, Jackson is entitled to jury sentencing.

Opinion by James Edward Welsh, Judge

June 5, 2029

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